

### **REMARKS**

The present invention is directed to endostatin compositions capable of inhibiting endothelial cell proliferation, inhibiting angiogenesis and causing tumor regression. Specifically, the present application is directed to nucleic acid molecules encoding endostatin and active fragments thereof.

Claims 21 and 22 are currently pending. In response to the Office Action dated February 25, 2004 and in order to facilitate prosecution, Claims 23-40 are withdrawn. No new matter has been added and support for the claims is found in the specification. Applicants submit the following remarks in an effort to address the rejections raised in the Office Action.

#### *Restriction Requirement*

In the Office Action dated February 25, 2004, the Examiner requested restriction to one of the following Groups under 35 U.S.C. 121:

- I. Claims 21-22 drawn to nucleotide SEQ ID NO: 4 classified in class 536 subclass 23.1.
- II. Claims 21 and 23 drawn to nucleotide SEQ ID NO: 6 classified in class 535 subclass 23.1.
- III. Claims 21 and 32 drawn to nucleic acid molecule encoding SEQ ID NO: 1 classified in class 536 subclass 23.1.
- IV. Claims 21 and 24 drawn to nucleic acid molecule encoding SEQ ID NO: 2 classified in class 536 subclass 23.1.
- V. Claims 21 and 24 drawn to nucleic acid molecule encoding SEQ ID NO: 3 classified in class 536 subclass 23.1.
- VI. Claims 21 and 24 drawn to nucleic acid molecule encoding SEQ ID NO: 5 classified in class 536 subclass 23.1.
- VII. Claims 33-40 drawn to a pharmaceutical composition comprising a polypeptide of SEQ ID NO: 1 or derivative, analog or variants thereof, classified in class 514, subclass 12.
- VIII. Claims 33-40 drawn to a pharmaceutical composition comprising a polypeptide of SEQ ID NO: 2 or derivative, analog or variants thereof, classified in class 514, subclass 12.
- IX. Claims 33-40 drawn to a pharmaceutical composition comprising a polypeptide of SEQ ID NO: 3 or derivative, analog or variants thereof, classified in class 514, subclass 12.
- X. Claims 33-40 drawn to a pharmaceutical composition comprising a polypeptide of SEQ ID NO: 5 or derivative, analog or variants thereof, classified in class 514, subclass 12.
- XI. Claims 33-40 drawn to a pharmaceutical composition comprising a polypeptide which is encoded by SEQ ID NO: 4, classified in class 514, subclass 12.
- XII. Claims 33-40 drawn to a pharmaceutical composition comprising a polypeptide which is encoded by SEQ ID NO: 6, classified in class 514, subclass 12.
- XIII. Claims 33-40 drawn to a pharmaceutical composition comprising a nucleic acid SEQ ID NO: 4 and a vector comprising said sequence, classified in class 536, subclass 23.1.
- XIV. Claims 33-40 drawn to a pharmaceutical composition comprising a nucleic acid SEQ ID NO: 6 and a vector comprising said sequence, classified in class 536, subclass 23.1.

- XV. Claims 33-40 drawn to a pharmaceutical composition comprising antibody to SEQ ID NO:1, classified in 530, subclass 387.1+.
- XVI. Claims 33-40 drawn to a pharmaceutical composition comprising antibody to SEQ ID NO:2, classified in 530, subclass 387.1+.
- XVII. Claims 33-40 drawn to a pharmaceutical composition comprising antibody to SEQ ID NO:3, classified in 530, subclass 387.1+.
- XVIII. Claims 33-40 drawn to a pharmaceutical composition comprising antibody to SEQ ID NO:5, classified in 530, subclass 387.1+.
- XIX. Claims 33-40 drawn to a pharmaceutical composition comprising host cell comprising SEQ ID NO: 1. classified in 435, subclass 320.1
- XX. Claims 33-40 drawn to a pharmaceutical composition comprising host cell comprising SEQ ID NO: 2. classified in 435, subclass 320.1
- XXI. Claims 33-40 drawn to a pharmaceutical composition comprising host cell comprising SEQ ID NO: 3. classified in 435, subclass 320.1
- XXII. Claims 33-40 drawn to a pharmaceutical composition comprising host cell comprising SEQ ID NO: 5. classified in 435, subclass 320.1

In an effort to facilitate prosecution, Applicants select herein, with traverse, Group I for examination.

#### *Conclusion*

In light of the amendments, Applicants are of the opinion that the Claims are now in condition for allowance. Such action is respectfully requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or there are any other issues which can be resolved by telephone interview, a telephone call to the undersigned attorney at (404) 745-2463 is respectfully solicited.

Respectfully submitted,

  
Sima Singadia Kulkarni  
Registration No. 43,732

KILPATRICK STOCKTON LLP  
Suite 2800  
1100 Peachtree St.  
Atlanta, GA 30309-2463  
Telephone: (404) 745-2463  
Our File: 54785-0880 (299468)